



SANDERS AND McDERMOTT

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Superfund Records Center

SITE: Coakley

BREAK: 11.9

OTHER: 559847

March 6, 1990

CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Mr. Steven J. Calder
U.S. Environmental Protection Agency
Waste Management Division
JFK Federal Building, HSN-CAN 5
Boston, MA 02203

Re: Notice of Potential Liability at Coakley Landfill,
North Hampton and Greenland, New Hampshire

Dear Mr. Calder:

On behalf of the Town of North Hampton, please accept this letter as the Town's response to Mr. Merrill S. Hohman's letter of February 2, 1990 received by this office on February 7, 1990.

As you know, the Town of North Hampton has been engaged in ongoing discussions with regard to the Coakley Landfill with the New Hampshire Department of Environmental Services, U.S. Environmental Protection Agency, and other potentially responsible parties for several years. Moreover, the Town of North Hampton, on at least two occasions, has extended the municipal waterline to the areas affected by the landfill. North Hampton has also participated in the covering of the ash that was left exposed at the landfill.

Consistent with its past commitment to act in the best interest of all residents of the Town of North Hampton, the Town is willing and desirous of negotiating a resolution of the liabilities arising out of the Coakley Landfill.

Notwithstanding the above, the Town of North Hampton rejects Mr. Hohman's characterization of it as an "owner/operator". North Hampton has never had an ownership interest in the land known as the Coakley Landfill and such has never been suggested prior to Mr. Hohman's February 2, 1990 letter. Furthermore, it is plain from all of the contracts between the municipalities and Pease Air Force Base that only Portsmouth, members of the Coakley family, or Coakley Landfill, Inc. could be construed as

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"operators" of the landfill. Indeed, Portsmouth's duties and responsibilities as "operator" are explicitly provided for in such contracts.

With regard to the questions presented in Attachment A of Mr. Hohman's letter, the Town has no new information to provide at this time. Some former Selectmen live out of state and are being contacted. Any new information will be passed on to you as it is received.

All future communications regarding this matter should continue to be sent to my attention on behalf of the Town of North Hampton. Our new mailing address is as follows:

Sanders and McDermott
234 Lafayette Road
Hampton, NH 03842.

Very truly yours,

SANDERS AND McDERMOTT


Mark E. Beliveau

MEB/ell
cc: Selectmen, Town of North Hampton